

RECEIVED

Before the

Federal Communications Commission

MAY 10 1993

Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

MM DOCKET NO. 93-47

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations,
(Latta, Marion, and Camden, South
Carolina)

RM-8188

TO: Chief - Allocations Branch

COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULEMAKING

Winfas of Belhaven, Inc. ("Winfas"), by and through counsel and pursuant to §§1.415 & 1.420 of the Commission's Rules, (47 C.F.R. §§1.415 & 1.420), hereby submits its Comments in support of Notice of Proposed Rulemaking, DA 93-235, released March 23, 1993 ("NPRM"), in the above-captioned proceeding. In support whereof, the following is shown:¹

1. As outlined in the Commission's NPRM, Winfas was the party that submitted the Petition For Rulemaking ("Petition") in this proceeding. In its Petition, Winfas proposed the substitution of Channel 232C3 at Latta, South Carolina, for Channel 232A at Marion, South Carolina. The substitution would bring Latta its first local aural transmission service. Winfas also requested that the license for its FM Station, WWPB, Marion, South Carolina,²

¹ Comments are due by May 13, 1993, so these Comments are timely filed.

² Call sign WLXP has been requested for WWPB.

No. of Copies rec'd
List A B C D E

045

be modified to specify the higher class channel and new community of license.

2. In order to accomplish this change, Winfas proposed that the current allotment for Channel 232A at Camden, South Carolina be changed to Channel 274A and that the license for WPUB-FM, Camden, be modified accordingly. As the Commission notes, Kershaw Radio Corporation ("Kershaw"), the current licensee of WPUB-FM, has consented to the change in operating frequency and Winfas has agreed to reimburse Kershaw for the reasonable costs associated with this change. See Petition at fn. 2 citing FM Channel Assignments (Brookville and Punxsutawney, PA), 3 FCC Rcd 5555, ¶9 (1988).

3. The public interest will be served by a grant of Winfas' Petition. Most importantly, the community of Latta, South Carolina, will receive its first local aural transmission service. As Winfas has shown, Latta clearly possesses all of the necessary indicia to qualify as a community for allotment purposes. See Petition at p. 2. As Winfas has further shown, Marion, South Carolina, will not be deprived of its own local aural transmission service, given the fact that WKXS will remain licensed to that community.

4. The Latta reallocation and upgrade can be accomplished with no serious disruption to the Commission's FM Table of Allotments, other than the channel change at

Camden, South Carolina. See Petition at p. 2. Furthermore, the changes outlined in the Commission's NPRM will eliminate short-spacings between WHPD and WPUB-FM and between WHPD and the new FM station on Channel 231A at Kingstree, South Carolina.³ In addition, if the Commission allots Channel 274A at Camden, Kershaw will be able to operate WPUB-FM as a 6 KW, Class A Station.

5. Winfas herein restates its present intention that, upon the allotment of Channel 232C3 to Latta, Winfas will promptly file an application for modification of the WHPD license, and upon grant thereof promptly construct the Class C3 facilities, and reimburse Kershaw for the reasonable costs associated with the channel change for WPUB-FM.

6. In view of the public interest benefits which are apparent, Winfas hereby requests that the Commission modify its FM Table of Allotments as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Marion, South Carolina	232A, 263C3	263C3
Latta, South Carolina	---	232C3
Camden, South Carolina	232A	274A

WHEREFORE, the above-premises considered, Winfas of Belhaven, Inc., hereby respectfully requests that §73.202(b)

³ The permit for this station was granted to South Carolina Radio Fellowship in MM Docket No. 88-536 but has yet to be issued. See South Carolina Radio Fellowship, 6 FCC Rcd 340 (I.D. 1991).

be amended as outlined above, and the authorizations of WWPD and WPUB-FM be modified consistent therewith.

Respectfully submitted,

WINFAS OF BELHAVEN, INC.

By: 

Gary S. Smithwick
Shaun A. Maher
Its Attorneys

SMITHWICK & BELENDIUK, P.C.
1990 M Street, N.W.
Suite 510
Washington, DC 20036
(202) 785-2800

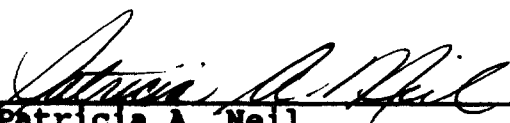
May 10, 1993

CERTIFICATE OF SERVICE

I, Patricia A. Neil, a secretary in the law firm of Smithwick, & Belendiuk, P.C., certify that on this 10th day of May, 1993, copies of the foregoing were mailed, postage prepaid, to the following:

Leslie K. Shapiro*
Allocations Branch
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 8313
Washington, DC 20554

Mr. Gary Davidson
WPUB-FM
Kershaw Broadcasting Corporation
Box 753
Camden, South Carolina 29020



Patricia A. Neil

*hand delivery